

REMARKS

In response to the Restriction Requirement dated February 12, 2004, applicants have provisionally elected with traverse, Group II, claims 18-22, drawn to a composition comprising a carrier or immunostimulants and an antibody that binds to amino acids 151-169 of SEQ ID NO:114, for examination at this time.

Applicants respectfully traverse the restriction requirement. Applicants submit that claim 18 is generic to all the claimed species, and all the claims to species are written in dependent format. Specifically, claim 18 recites antibodies, or antigen-binding fragments thereof, that bind to a protein comprising SEQ ID NO:114, whereas claim 21 recites three specific epitopes identified within a protein comprising SEQ ID NO:114. Applicants further submit that the three claimed species constitute a reasonable number for examination and, therefore, should be examined together as permitted by 37 C.F.R. § 1.141(a), which recites:

“Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§1.75) or otherwise include all the limitations of the generic claim.”

Applicants respectfully request that the Examiner reconsider the restriction requirement and proceed to examine all of the claimed species together with the linking generic

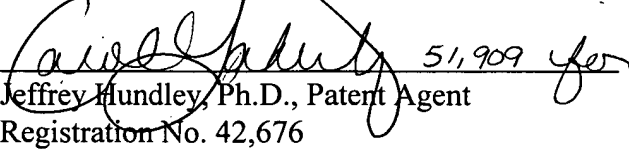
Application No. 09/780,669

Reply to Restriction Requirement dated February 12, 2004

claim at this time. Should the Examiner maintain the restriction requirement, Applicants request that the Examiner withdraw the restriction requirement as to all claimed species upon finding generic claim 18 allowable.

Respectfully submitted,

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